



**CBS TELEVISION**

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**BETH FINLEY JONES**

VICE PRESIDENT, ASSOCIATE GENERAL COUNSEL

February 26, 2019

*Via email (David.c.stevenson@sfgov.org)*

Mr. David C. Stevenson  
Director of Strategic Communication  
San Francisco Police Department  
1245 3<sup>rd</sup> Street  
San Francisco, CA 94158

**Re: CBS News and KPIX5/Request for Reconsideration of Denial of Request for Documents Relating to Incident Report 190-134-636**

Dear Mr. Stevenson:

I am in-house counsel at CBS Television. I submit this letter on behalf of CBS News and CBS' San Francisco television station, KPIX5 (collectively, "CBS"), to respectfully request that the San Francisco Police Department ("SFPD") reconsider its refusal to release documents relating to the death of San Francisco Public Defender, Jeff Adachi. As you well know, both KPIX5 and CBS News submitted separate requests to SFPD for copies of records under the California Public Records Act ("CPRA") relating to Incident Number 190-134-636, including the Incident Report/Police Report (collectively, "Records"). Sergeant Michael Andraychak responded via email to KPIX5 that SFPD is refusing to produce the requested records, invoking the exemption under CPRA Section 6254(f) for records relating to an open investigation, the disclosure of which "may endanger successful completion of the investigation."

CPRA Section 6254(f)(2) expressly mandates that local law enforcement agencies shall make public the following information regarding a request for police assistance:

1. The time, substance, and location of all complaints or requests for assistance received by the agency;
2. The time and nature of the response thereto;
3. The time and date of the report;
4. The name and age of the victim;
5. The factual circumstances surrounding the crime or incident; and
6. A general description of any injuries, property or weapons involved.

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An exception to these mandatory disclosure requirements is if the "disclosure of a particular item of information would endanger the safety of a person involved in an investigation or would endanger the successful completion of the investigation or a related investigation." CPRA Section 6254(f). SFPD cannot establish sufficient grounds for invoking this exception.

SFPD has not offered any explanation as to how release of the requested records would impair the successful completion of an investigation. In fact, it states only that the release of the documents "may" endanger successful completion of the investigation. Other public statements by SFPD are also inconsistent with the position that details surrounding the investigation of Mr. Adachi's death must be kept confidential. In its response to Ms. Caen's email, SFPD has said there were "no signs of foul play" regarding Mr. Adachi's death, which would suggest there is little concern for a murder or other criminal investigation.

Perhaps most fatal to SFPD's position is the fact that copies of the alleged Incident Report are already public, albeit not as a result of a formal disclosure by SFPD. Copies of the Incident Report were supposedly leaked and copies have been pirated to those willing to pay a fee. Portions of the alleged Incident Report, including photographs taken inside the apartment where Mr. Adachi was found, have also been published in television news reports and in the San Francisco Chronicle. These facts alone completely undermine the need for SFPD to keep the Records private.

Mr. Adachi was a high-ranking public official in San Francisco and questions surrounding his sudden and untimely death deserve public answers. Disclosure of the Records will serve to provide reliable details about his death rather than the rumors and speculation that currently abound. At a minimum, SFPD should produce the factual information mandated by CPRA Section 6254(f)(2). However, given that the Incident Report is already publicly available, the public interest served by disclosure certainly outweighs the public interest served by nondisclosure. Accordingly, CBS respectfully requests that SFPD produce the entire Incident Report and all related documents. By copy of this letter to the San Francisco City Attorney's Office, CBS is also filing an appeal of SFPD's decision under the applicable provisions of the Sunshine Ordinance.

Nothing contained in this letter constitutes a waiver of any of CBS' rights, remedies or defenses with respect to this matter, all of which are expressly reserved.

Very truly yours,



Beth Finley Jones

cc: Police Commissioner Robert Hirsch  
San Francisco City Attorney, Dennis Herrera  
[Supervisor.Records@sfcityattty.org](mailto:Supervisor.Records@sfcityattty.org)